

Dear CCI members,

I am not able to attend our meeting tonight, but wanted to convey my concern about the process thus far on De novo. Please read this aloud at the meeting for the benefit of the public and for the record.

At our last meeting on July 17, we decided to ask the City Attorney for advice on what it would take for CCI to draft code amendments for De novo and the legislative procedure to advance it. I am uncomfortable with this process because it is fiscally irresponsible and less transparent; and it feels like we are steering policy.

CCI erred in thinking we have legal services at our disposal. Maybe this stems from the fact that we have had the Assistant City Attorney at our meetings since the City Manager stopped attending. I think citizen advisory groups (CAGs) are bound to Council rules that set policy.

Council rules require approval by Council for City Attorney services greater than fifteen minutes and recommend first checking with the City Manager. Council did not discuss or vote on our request for City Attorney service. Our error would have been immediately avoided if our staff liaison and CCI members were knowledgeable of the policy. It is apparent to me that our city administration needs to inform Council, CAGs and staff of the policy.

We are putting the horse before the cart in proceeding with the City Attorney. Councilor Martin reminded us De novo is not on the docket, so the Council needs to first discuss what they want to do with De novo before costs for legal services are incurred. Needless to say, I was disappointed my motion for CCI to recommend Council considers restoring De novo was defeated.

Another option would have been for CCI or Mayor Axelrod and Councilor Martin to report to Council about our discussion of De novo and how we were proceeding. I expect this would have spurred Council to rightfully act on De novo, with advice from the City Manager and City Attorney present.

It is fiscally responsible to respect proper processes which include checks and balances. The cost of legal services to the City increases when a CAB/council member gets legal advice merely by asking.

While I appreciate CCI responded to my concern to expedite De novo, I do not want to compromise the process. It would be unusual for a CAG to draft amendments and ask Council to add them to the docket. Code (CDC 98.030) allows a person or neighborhood association to do it, so maybe it follows that a CAG may as well, however, it seems less transparent and engaging to the public than the usual process of proceeding directly to the Planning Commission or the new process of sending it to a work group first.

The other option is for Council to appoint the CCI as the working group and it concerns me for the same reason. Both options also concern me because I think the CCI does not have a stakeholder from the development community or someone opposed to restoring De novo. It seems to circumvent the purpose of inclusiveness of a work group.

CCI has been working this year on identifying opportunities and support for citizen participation in land use decisions and speculated how our findings might affect the amendments to restore De novo. Some thought a modified form of De novo might be warranted. If CCI shifts toward writing amendments for De novo by either option, we will be taking away the earliest opportunity for the public to participate and understand in our recommendation to Council regarding De novo. I say this because this feels like an extension of our work this year. In other words, we will be building on our past work that will inform our decisions in writing amendments for De novo and the public did not know our work would be the basis for De novo amendments.

In conclusion, I think the public would expect the Council to debate and decide on a motion to precede that adds De novo to the docket and either sends it to the PC or asks the CCI to recommend a working group. I would hope that either way, Council would direct and set policy through the most effective public process.

Thank you for your consideration of my comments.

Sincerely,

Karie Oakes